

JUDGE ABRAMS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

15 CV 2803

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MARC A. RUSIN,

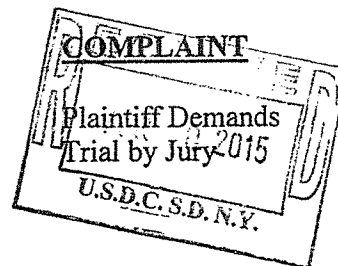
Plaintiff,

Docket #:

-against-

ANDRES R. BORRERO and BISCUITS & BATH PET
SERVICES, LLC.,

Defendants.
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Plaintiff, Marc A. Rusin by his attorneys ROBINSON & YABLON, P.C., complaining
of the Defendants sets forth:

BASIS OF JURISDICTION

1. The jurisdiction of this Court is predicated upon diversity of citizenship pursuant to 28 U.S.C. §1391 (a) (2) as the dispute involves parties from different States, damages are in excess of this Court's jurisdictional limits and a substantial part of the events or omissions giving rise to the claim occurred in the Southern District of New York.

IDENTITY OF PARTIES

2. The plaintiff, Marc A. Rusin is a resident of the State of New Jersey. The defendant, Andres R. Borrero, Jr. is a resident of the State of New York. The defendant, Biscuits & Bath Pet Services, LLC., is a domestic limited liability company formed and conducting business in the State of New York.

3. That on March 9, 2015, Defendant, Andres R. Borrero, Jr. was the permissible owner and operator of a 2008 Honda motor vehicle registered in the State of New York bearing license plate number 59726MA.

4. That on March 9, 2015 and at all times hereinafter mentioned, Defendant, Biscuits & Bath Pet Services, LLC., was the registered owner of the aforementioned 2008 Honda motor vehicle registered in the State of New York bearing license plate number 59726MA.

5. That on March 9, 2015 and at all times hereinafter mentioned, Defendant, Andres R. Borrero, Jr. was an employee, agent and/or servant of Defendant, Biscuits & Bath Pet Services, LLC.

6. That on March 9, 2015, Defendant, Andres R. Borrero, Jr. was operating the aforementioned 2008 Honda motor vehicle on 10th Avenue near its intersection with West 34th Street in the County, City and State of New York.

7. That on March 9, 2015, 10th Avenue near its intersection with West 34th Street in the County, City and State of New York was and still is a public roadway and thoroughfare.

8. That on March 9, 2015, Plaintiff, Marc A. Rusin was a pedestrian lawfully working on 10th Avenue near its intersection with West 34th Street in the County, City and State of New York as part of a construction project.

9. That on March 9, 2015, Defendant, Andres R. Borrero, Jr. while operating the aforementioned 2008 Honda motor vehicle, negligently, carelessly and recklessly struck the pedestrian, Plaintiff, Marc A. Rusin.

10. That the aforementioned occurrence, resulting in serious personal injuries to Plaintiff, Marc A. Rusin were caused solely by the negligence, carelessness and recklessness of the Defendants, Andres R. Borrero, Jr. and Biscuits & Bath Pet Services, LLC. in the ownership, operation, maintenance and control of their aforementioned 2008 Honda motor vehicle.

11. That the aforementioned occurrence, resulting serious personal injuries to Plaintiff, Marc A. Rusin were caused solely by the negligence of the Defendants, Andres R. Borrero, Jr. and Biscuits & Bath Pet Services, LLC. without any negligence on the part of the Plaintiff, Marc A. Rusin, contributing thereto.

12. That as a result of the aforementioned occurrence, Plaintiff, Marc A. Rusin sustained permanent, severe, serious and disabling injuries.

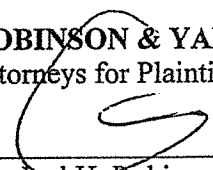
13. That as a result of the Defendants' negligence, Plaintiff, Marc A. Rusin suffered a "serious injury" as set forth in §5102(d) of the New York State Insurance Law and has required invasive surgical treatment stemming from his injuries.

14. That by reason of the foregoing, Plaintiff, Marc A. Rusin has been damaged in the sum of Five Million Dollars (\$5,000,000.00) and demands judgment against the Defendants, Andres R. Borrero, Jr. and Biscuits & Bath Pet Services, LLC.

WHEREFORE, Plaintiff, Marc A. Rusin demands judgment against the Defendants, Andres R. Borrero, Jr. and Biscuits & Bath Pet Services, LLC. in the sum of \$5,000,000.00 (FIVE MILLION DOLLARS) along with such other and further relief as may be granted by the Court, including but not limited to the costs and disbursements of this action.

Dated: New York, New York
April 9, 2015

ROBINSON & YABLON, P.C.
Attorneys for Plaintiff



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